

State of South Dakota

SEVENTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2002

447H0384

SENATE BILL NO. 135

Introduced by: Senators Ham, Reedy, and Vitter and Representatives Murschel, Hennies
(Thomas), and Sigdestad

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to municipal and county
2 housing and redevelopment commissions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-7-11 be amended to read as follows:

5 11-7-11. A commission shall consist of five commissioners, who, unless otherwise provided
6 by ordinance, shall be residents of the area of operation of the commission, appointed after the
7 resolution provided for in § 11-7-7 becomes finally effective. In municipalities of the first class,
8 no public officer or employee of the municipality may serve as a commissioner. ~~However, if the~~
9 ~~municipality employs a city manager, the governing body may, by resolution, constitute itself as~~
10 ~~the commission~~. In municipalities of the second and third class and in counties, the commission
11 may be made up of members of the governing body, but may not include employees of the
12 municipality or county. However, in municipalities of the second and third class and in counties,
13 a majority of the commission may not be comprised of the governing body. A commissioner may
14 be a notary public.

15 Section 2. That § 11-7-12 be amended to read as follows:



1 11-7-12. The commissioners constituting a commission shall be appointed by the mayor or
2 the chairman of the board of county commissioners, with the approval of the governing body,
3 unless commissioner appointment and qualification are otherwise provided for by ordinance.
4 ~~Those~~ The commissioners initially appointed shall be appointed for terms of one, two, three,
5 four, and five years respectively. Thereafter all commissioners shall be appointed for five-year
6 terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original
7 appointment was made.

8 Section 3. That § 11-7-13 be amended to read as follows:

9 11-7-13. Commissioners shall hold office until their successors have been appointed and
10 qualified. A certificate of appointment of each commissioner shall be ~~filed with the clerk.~~
11 ~~Whenever~~ available for public inspection. If the membership of a commission is changed by
12 reason of a new appointment, a certificate of that appointment shall be promptly ~~so filed.~~ A
13 available for public inspection. This certificate ~~so filed~~ shall be conclusive evidence of
14 appointment or change in membership. Commissioners are likewise referred to in this chapter
15 as "members" of a commission.

16 Section 4. That § 11-7-14 be amended to read as follows:

17 11-7-14. For inefficiency or neglect of duty, or misconduct in office, a commissioner may be
18 removed by ~~the governing body of the municipality or the county as applicable~~ a method adopted
19 by the governing body of the municipality or county by ordinance, but a commissioner shall be
20 removed only after a hearing and after ~~he shall have~~ the commissioner has been given a copy of
21 the charges at least ten days prior to the hearing and had an opportunity to be heard in person
22 or by counsel. When charges in writing have been preferred against a commissioner, pending
23 final action thereon, the ~~governing body~~ housing and redevelopment commission may
24 temporarily suspend ~~him~~ the commissioner, unless the governing body of the municipality or

1 county has adopted such provisions by ordinance, but, if it is found that those charges have not
2 been substantiated, ~~he~~ the commissioner shall immediately be reinstated ~~in his office~~. ~~In the event~~
3 ~~of the removal of.~~ If any commissioner is removed, a record of the proceedings, together with
4 the charges and findings thereon, shall be ~~filed in the office of the clerk~~ available for public
5 inspection.

6 Section 5. That § 11-7-53.2 be amended to read as follows:

7 11-7-53.2. Before the issuance of bonds or obligations for a housing development project
8 proposed by a commission under § 11-7-53.1, the commission shall prepare and file with the
9 governing body, and if so required by ordinance, submit for the governing body's approval a plan
10 addressing the following requirements:

- 11 (1) The housing needs of the municipality and the data demonstrating those needs;
- 12 (2) The plan of the municipality to meet identified housing needs, and the specific
13 methods to be used to carry out the plan;
- 14 (3) Target areas, if any, of the municipality for each method; and
- 15 (4) A general description of the program or programs to be implemented to meet the
16 housing needs identified in the plan.

17 Section 6. That § 11-7-96 be amended to read as follows:

18 11-7-96. ~~Bonds~~ Each bond of a commission shall be authorized by its resolution and may be
19 issued in one or more series and shall bear ~~such a date or dates~~, mature at ~~such a time or times~~,
20 bear interest at ~~such a rate or rates~~, be in ~~such a denomination or denominations~~, be ~~in such form~~
21 in a form either coupon or registered, carry ~~such a conversion or registration privileges~~ privilege,
22 have ~~such a rank or priority~~, be executed in ~~such a manner~~, be payable in ~~such a medium of~~
23 payment, at ~~such a place or places~~, and be subject to ~~such~~ the terms of redemption (with or
24 without premium) as ~~such a resolution~~, its trust indenture, or mortgage may provide. ~~Bonds~~ Each

1 bond may be signed by the manual signature of one official designated by the ~~governing body~~
2 commission and by facsimile signature of other officials.

3 Section 7. That § 11-7-105 be amended to read as follows:

4 11-7-105. Neither the commissioners of a commission nor any person executing the bonds
5 is liable personally on the bonds by reason of the issuance of the bonds. The bonds and other
6 obligations of a commission (and such bonds and obligations shall so state on their face) are not
7 a debt of the ~~first or second class~~ municipality, the state, or any other political subdivision of the
8 state and neither the municipality nor the state or any other political subdivision is liable for the
9 bonds. Except as may be provided pursuant to subdivision 11-7A-2(8), the bonds or obligations
10 are not payable out of any funds or properties other than those of the commission. The bonds
11 do not constitute an indebtedness within the meaning of any constitutional or statutory debt
12 limitation or restriction.